

2023 -- S 0432

LC000647

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- CERTIFICATES OF TITLE AND SECURITY INTERESTS

Introduced By: Senators Sosnowski, Valverde, and Gu

Date Introduced: February 16, 2023

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-3.1-37 of the General Laws in Chapter 31-3.1 entitled
2 "Certificates of Title and Security Interests" is hereby amended to read as follows:

3 **31-3.1-37. Passage of title upon death of owner.**

4 [\(a\) Except as provided in subsection \(b\) of this section, or unless](#) ~~Unless~~ otherwise provided
5 in the last will and testament of a decedent, any motor vehicle(s) owned by the decedent shall
6 belong, and title to them shall pass, to the surviving spouse.

7 (1) The administrator of the division of motor vehicles shall register the motor vehicle(s)
8 in the name of the surviving spouse upon presentation to the division of motor vehicles of:

9 (i) A certified copy of the death certificate of the deceased spouse;

10 (ii) Registration(s) of the motor vehicle(s) of the deceased spouse.

11 (2) No fee shall be charged to the surviving spouse for issuance of a new certificate of title.

12 (3) A surviving spouse shall not be charged a registration fee during the year he or she is
13 registering the vehicle(s) in his or her name and having a new certificate of title issued,

14 (i) Where the deceased spouse registered that motor vehicle(s) with the division of motor
15 vehicles; and

16 (ii) Paid the registration fees provided in § 31-6-1 for the motor vehicle(s) for the year.

17 (4) Where the deceased spouse did not register the motor vehicle(s) or failed to pay a
18 registration fee pursuant to § 31-6-1 for the year in which the surviving spouse appears to register

1 the motor vehicle(s) and have a new title certificate issued in his or her name, then the surviving
2 spouse shall pay a pro rata amount of the annual registration fee for the remaining months of the
3 year.

4 (b) On and after September 1, 2023, notwithstanding the provisions of subsection (a) of
5 this section, a motor vehicle may be titled in transfer-on-death form by including in the certificate
6 of title a designation of a beneficiary or beneficiaries to whom the motor vehicle shall be transferred
7 on death of the owner or the last to die of two (2) or more owners with the right of survivorship,
8 subject to the rights of any lien holder, whether created before, simultaneously with, or after the
9 creation of the transfer-on-death interest. A trust may be the beneficiary of a transfer-on-death
10 certificate of title.

11 (c) A motor vehicle is titled in transfer-on-death form by designation in the certificate of
12 title, the name of the sole owner, or the names of the owners who jointly and severally own the
13 motor vehicle with the right of survivorship, followed in substance by the words "transfer on death
14 to [name of beneficiary or beneficiaries]". If no title is available or in the event that the title
15 document held by the owner of the vehicle does not contain transfer-on-death language, the owner
16 may, during their lifetime, execute a document, using in substance the same language as contained
17 on a title, transferring the vehicle to a beneficiary or beneficiaries as desired. If no such document
18 has been executed, the surviving spouse or other heirs, may transfer the title to the vehicle by
19 producing a copy of the owner's death certificate along with an affidavit, in a form approved by
20 the director of the department of motor vehicles, stating that they are the surviving spouse or sole
21 heirs and requesting the title and registration be transferred without the necessity of probate. No
22 such request shall be denied by the department of motor vehicles unless there is evidence of fraud
23 or collusion.

24 (d) The transfer-on-death beneficiary or beneficiaries shall have no interest in the motor
25 vehicle until the death of the owner or the last to die of all multiple owners with the right of
26 survivorship. A beneficiary designation may be revoked or changed at any time by the owner(s)
27 without the consent of the beneficiary by either filing an application with the department of motor
28 vehicles for a subsequent certificate of title or revoking any other document executed transferring
29 the vehicle on death. If such original document was filed with the department of motor vehicles,
30 the revocation shall also be filed.

31 (e) Ownership of a motor vehicle titled in transfer-on-death form for which an application
32 for a subsequent certificate of title has not been filed shall vest in the designated beneficiary or
33 beneficiaries on the death of the owner or last survivor of any jointly owned vehicle, subject to the
34 rights of any lien holder. If no beneficiary survives the death of the owner(s), then any interest in

1 the motor vehicle belongs to the estate of the deceased owner.

2 (f) The department of motor vehicles shall prescribe any fees associated with the transfer
3 of title and registration, except as provided in subsection (a) of this section, but in no event shall
4 any fee exceed the annual registration fee for such vehicle.

5 (g) A certificate of title in transfer-on-death form shall not be considered a testamentary
6 disposition.

7 (h) On and after September 1, 2023, the department of motor vehicles shall provide
8 amended title forms and/or transfer-on-death forms to accomplish the purposes of subsections (b)
9 through (g) of this section.

10 SECTION 2. This act shall take effect upon passage.

=====
LC000647
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- CERTIFICATES OF TITLE AND
SECURITY INTERESTS

1 This act would allow on and after September 1, 2023, an owner of motor vehicle(s) to
2 transfer ownership and registration of said vehicle on their death by a certificate of title designation
3 and require the department of motor vehicles to amend title forms to include transfer-on-death
4 language.

5 This act would take effect upon passage.

=====
LC000647
=====